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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 10/800,083

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Docket No. PUS-H002-002

Filing Date: March 11th, 2004

Inventor(s): Fortin, Frederic et al

Title: NUCLEUS PROSTHESIS, THE
INSERTION DEVICE THEREFOR AND
THE METHOD OF FITTING SAME

Art Unit: 3732

Examiner: REIMERS, Annette R.

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8. I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office *4 pages*On 22nd April 2006Typed or printed name of person signing this certificate: J. MoeteliSignature of person signing this certificate: REQUEST TO RECONSIDER
DECISION ON PETITION

Via facsimile to 001 703 872 9306, to:

ATTN: Ms. Alesia M. Brown,
Office of Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

Dear Sir:

Applicant thanks the Petitions Attorney, Alesia Brown, for her decision on the Petition to Revive, filed January 20, 2006.

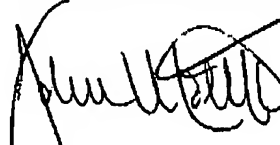
Applicant requests reconsideration of the Decision on the grounds that the Undersigned has already duly authorized the charging of the Undersigned's deposit account No. 502621 *when the response filed on January 20, 2006 is taken as a whole*, namely, when considering the general authorization on page 10, last paragraph of the response, which states that the Commissioner is authorized to charge the above account for any payments, together with the clear indication of the amount to be charged on form PTO/SB/64, indicating the fee

is \$750. It is therefore believed that the requirements of a grantable petition pursuant to 37 C.F.R §1.137(b) had therefore been met.

The Undersigned thanks the Office in advance for taking the steps necessary to ensure that the Undersigned is not charged twice of the required fee under §1.17(m), but nonetheless re-authorizes, to the extent necessary to be charged only once for such fee, the charging of the deposit account of Moetteli & Associates SaRL, No. 502621 for such fee.

Again, if the Examiner has further questions, she is invited to contact the Undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or e-mail at moetteli@patentinfo.net.

Respectfully submitted,



John MOETTELI
U.S. Reg. No. 35,289

Date : April 22nd, 2006

Enclosure: Copy of Decision on Petition



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22312-1450
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Moetteli & Associes SaRL
C.P. 486, 6 ave de Frontenex
Geneva 12 CH-12-11 CH SWITZERLAND

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MAR 20 2006

OFFICE OF PETITIONS

Par.....

In re Application of :
Fortin, et al. : DECISION ON PETITION
Application No. 10/800,083 :
Filed: March 11, 2004 :
Atty. Dkt. No.: PUS-H002-002 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 20, 2006, to revive the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned September 3, 2005 for failure to timely reply to the non-final Office action mailed June 2, 2005. The non-final Office action set a three month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed January 20, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

Submission of the required petition fee is a prerequisite prior to treatment on the merits of any petition submitted under 37 CFR 1.137(b). The required petition fee has not been received by

Application No. 10/800,083

2

the USPTO despite reference to the submission of a fee payment in the instant petition.

Any renewed petition must include the required petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

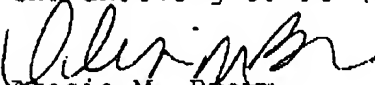
By facsimile:

(703) 872-9306

By hand delivery:

U.S. Patent and Trademark Office
Customer Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
Petitions Attorney
Office of Petitions